

to have expressly waived their right to trial by jury, unless at the time of the filing of the complaint or petition the plaintiff, in writing, demands a jury trial; or, at the time of the filing of the answer or other pleading which raises an issue of fact, the defendant or other party filing such pleading demands, in writing, a jury trial.

Demand for incorporated in pleadings.

SEC. 13 (b). *Waiver of Jury Trial; Jurisdiction Concurrent With Justice of Peace.* In those cases in which no written pleadings are required, the parties shall be conclusively presumed to have expressly waived their right to trial by jury, unless at the time of the issuance of summons the plaintiff or petitioner, in writing, demands a jury trial; or the defendant, at any time before the commencement of the trial, in writing, demands a jury trial.

Waiver of jury trial in cases in which written pleadings are not required.

SEC. 13 (c). *Jury Trial in Cases Instituted in Superior Court or Before Magistrate.* In those cases which were or may hereafter be instituted before a justice of the peace and removed or appealed to this court, and in those cases which were or may hereafter be instituted in Superior Court and removed to this court, a jury trial will be conclusively presumed to have been expressly waived unless the party desiring a trial by jury shall make a demand therefor, in writing, at any time before the case is called for trial; in which event the number of the jury shall be as herein elsewhere provided.

Waiver of jury trial in cases removed to or appealed to County Court.

SEC. 13 (d). *Jury of Six; Demand and Deposit for Jury of Twelve.* The jury of said court shall be a jury of six unless, at any time before the calling of the cause for trial, either party, who has not waived the right to trial by jury by failing to demand a jury trial in apt time as provided herein, or otherwise, demands a trial by a jury of twelve, in which event a jury of twelve shall be impaneled: *Provided*, that in those cases in which a jury of twelve is demanded the party shall, at the time of making the demand, pay to the clerk of said court a deposit of five dollars to insure the payment of the jury tax: *Provided further*, that where a party making such demand for a jury of twelve makes affidavit and satisfies the judge or clerk of said court that he is unable to make the deposit, such party shall not be required to make the same. The deposit for jury of twelve shall be returned to the party making it when the jury tax is paid by the losing party against whom the costs are taxed.

Jury of six members.

Jury of twelve on demand.

Deposit required.
Waiver of deposit requirement.

Return of deposit.

SEC. 13 (e). *Judge May Impanel Jury on Own Motion.* The judge of said court, when in his opinion the ends of justice would be best served by submitting an issue or issues to the jury, may call a jury of his own motion and submit to it such issue or issues as he may deem material.

Judge may impanel jury on own motion.

SEC. 14. *Drawing Juries; Summons of Jurors; Pay of Jurors.* The regular jurors shall be drawn from the Superior Court jury box; the drawing and summoning of said jurors shall be in the

Regular jurors drawn and summoned in same manner as for Superior Court.